

take place that to a very large extent the authority for the Legislature needs to be retained, have an impact over what may be done and we should not put into the constitution a provision for a home rule charter that is subject to court cases to go to the Supreme Court for interpretation perhaps. I think it's safe to say that our Supreme Court has given much more authority to the Legislature than it seems to me other states or some states at least in determining whether there was a statewide interest which, therefore, the Legislature can impose a condition on a home rule charter. That's not necessarily true in other areas. However, the bottom line is, though, that county government is essentially an extension of state government, and I believe that should we have mergers that authority that rests with the state to provide direction to counties as an extension of state authority needs to be retained very clear. The second provision is the wording that the Legislature "may" or "shall" enact legislation to permit mergers. It seems perhaps...I've never quite understood the argument of the issue of constitutional lawyers, at least those that I hear talk insist that the word "may" is the appropriate way. The word "shall," the Legislature shall enact in the minds of some people apparently means a direction that the Legislature will in fact do that. I'm not sure how you impose on the state Legislature to enact something of this matter. But we stayed with the word "may" with again with extensive discussion. The third provision which the Legislature could direct a merger as I read it certainly would be inconsistent with what we've done to this point. We have consistently stated that, well, any of these actions would be done with a voter approval. I would anticipate that with implementing legislation for this constitutional amendment the provisions for initiative petition to bring about action in the event that the governing bodies of the county and the city were unwilling or unable to get together, I would anticipate that would occur just as we provided for...

SENATOR WILL: One minute.

SENATOR WARNER: ...in the previous bill with counties. But I would be doubtful in my mind that we would find the public across the state willing to give the Legislature the authority to go ahead and just arbitrarily, not arbitrarily but by statute enact a merger of a city or a county. And I think the necessity of voter approval and voter participation if this is going to work and be satisfactory is necessary. I doubt that any portion